



Matt Dollan <mdollan@archcitydefenders.org>

## Cody et al. v. St. Louis - Notice of Emergency Inspection of MSI - 4pm Response Requested

Wheaton, Andrew <wheatona@stlouis-mo.gov>

Thu, Feb 11, 2021 at 4:00 PM

To: Nathaniel Carroll <ncarroll@archcitydefenders.org>

Cc: Workhouse Jail Litigation - DLA & ArchCity Defenders <workhousejail litigation-dla&archcitydefenders@dlapiper.com>, WH workhouse <19-0000520@acd.legalserver.org>

### [EXTERNAL]

Rule 34(b)(2)(A) entitles the City to 30 days within which to respond or object to Plaintiffs' "Notice of Emergency Inspection." The City does not stipulate to a shorter time, and will respond or object to Plaintiffs' Request for Inspection within the time explicitly provided by rule. See *Luer v. Cty. of St. Louis*, No. 4:17-CV-767 NAB, 2018 U.S. Dist. LEXIS 95569, at \*5-6 (E.D. Mo. June 7, 2018) (finding a request for inspection untimely and noting that Rule 34 explicitly provides a 30-day response time).

I note that Plaintiffs' putative experts and Plaintiffs' counsel have conducted three separate, full day, exhaustive inspections of MSI at various times since this case was filed. A fourth is not justified, nor does your vague and unsupported reference to "several extremely concerning claims regarding current conditions" at MSI justify a fourth inspection.

Finally, as you are aware, the City of St. Louis Division of Corrections observes rigorous health and safety protocols to protect inmates in custody at MSI, including a mandatory 14-day quarantine of all inmates at intake. Even if the City were inclined to allow yet another inspection, which it is not, to do so in the manner you suggest would risk compromising the health and safety of inmates and staff at MSI. This, the City cannot permit.

Andrew D. Wheaton | Associate City Counselor | [WheatonA@stlouis-mo.gov](mailto:WheatonA@stlouis-mo.gov)  
St. Louis City Counselor's Office | 1200 Market Street, City Hall, Room 314 | St. Louis, MO  
Direct: 314-622-4594 | Main: 314-622-3361 | Fax: 314-622-4956

E-MAIL CONFIDENTIALITY NOTICE: The contents of this e-mail message and any attachments are intended solely for the addressee(s) and may contain confidential or legally privileged information. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and any attachments. If you are not the intended recipient, you are notified that any use, dissemination, distribution, copying, or storage of this message or any attachment is strictly prohibited.

On Thu, Feb 11, 2021 at 12:16 PM Nathaniel Carroll <ncarroll@archcitydefenders.org> wrote:

Good afternoon, Andrew.

We've been made aware of several extremely concerning claims regarding the current conditions in the Workhouse. As you know, we joined other attorneys in a letter seeking inspection of the CJC. A similar inspection of MSI is also warranted under the circumstances.

Please find attached Plaintiffs' Notice of Emergency Inspection to visit the Workhouse tomorrow, Friday February 12 to inspect the premises and examine temperature logs. Pursuant to FRCP 29, Plaintiffs request that the City stipulate to an expedited time-frame on this inspection so that counsel for Plaintiffs and putative class members can ensure that people currently housed at the Workhouse are having basic needs provided and are being treated humanely.

We can make ourselves available at any time today to discuss this, but we would like a response from the City by 4:00 pm CST today so that we can determine if court involvement is necessary.

Thank you.



**ARCHCITY**  
DEFENDERS

**Nathaniel Carroll | Staff Attorney | pronouns: he/him/his**

ArchCity Defenders

440 North 4th Street, Suite 390 | St. Louis, MO 63102

t: 314-361-8834 x 1040 | f: 314-925-1307

[ncarroll@archcitydefenders.org](mailto:ncarroll@archcitydefenders.org) | [www.archcitydefenders.org](http://www.archcitydefenders.org)

Connect with ArchCity Defenders

[Twitter](#) | [Facebook](#) | [Instagram](#) | [Donate](#)

Note: The Missouri Bar Disciplinary Counsel requires all Missouri lawyers to notify all recipients of email that (1) email communication is not a secure method of communication; (2) any email that is sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa; and (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us through which the email passed. If you change your mind and want future communications to be sent in a different manner, please let me know. The contents of this email may contain privileged communications and confidential information and may be protected by law from inappropriate and/or unauthorized use and/or dissemination.